

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

NAVY SEALs 1-3, *et al.*,

Plaintiffs,

v.

LLOYD J. AUSTIN, III in his official capacity as
United States Secretary of Defense, *et al.*,

Defendants.

Case No. 4:21-cv-01236-O

MEMORANDUM IN SUPPORT OF DEFENDANTS' ASSERTION OF MOOTNESS

Pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure, Defendants move to dismiss this action for lack of subject matter jurisdiction because this litigation is now moot. In support of this motion, the Court is respectfully referred to Defendants' accompanying brief and appendix.

Dated: February 6, 2023

Respectfully submitted,

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